

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VICTOR MANUEL CHAVARRIA and OLOET  
ROJAS,

Case No. 13-14641

Plaintiffs,

Honorable John Corbett O'Meara

v.

MICHAEL FALKNER, *et. al.*,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiffs Victor Manuel Chavarria and Oloet Rojas filed a six-count complaint in this court, alleging four causes of action under 42 U.S.C. § 1983 for wrongful prosecution, failure to train, and failure to supervise; gross negligence; and loss of consortium.

Although Plaintiffs' causes of action arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts V and VI are **DISMISSED WITHOUT PREJUDICE**.

s/John Corbett O'Meara  
United States District Judge

Date: December 12, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, December 12, 2013, using the ECF system.

s/William Barkholz  
Case Manager